

**UNITED STATES DISTRICT COURT  
DISTRICT OF MASSACHUSETTS**

IN RE PHARMACEUTICAL INDUSTRY )  
AVERAGE WHOLESALE PRICE )  
LITIGATION )  
MDL NO. 1456  
Civil Action No. 01-12257-PBS

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Judge Patti B. Saris  
)  
THIS DOCUMENT RELATES TO:  
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)  
*State of Iowa v. Abbott Labs., et al.* )  
(Subcategory Case No. 07-12141-PBS) )  
)  
AND )  
)  
*The City of New York v. Abbott Labs., et al.* )  
(S.D.N.Y. No. 04-CV-06054) )  
*County of Suffolk v. Abbott Labs., et al.* )  
(E.D.N.Y. No. 03-CV-229) )  
*County of Westchester v. Abbott Labs., et al.* )  
(S.D.N.Y. No. 03-CV-6178) )  
*County of Rockland v. Abbott Labs., et al.* )  
(S.D.N.Y. No. 03-CV-7055) )  
*County of Dutchess v. Abbott Labs., et al.* )  
(S.D.N.Y. No. 05-CV-06458) )  
*County of Putnam v. Abbott Labs., et al.* )  
(S.D.N.Y. No. 05-CV-04740) )  
*County of Washington v. Abbott Labs., et al.* )  
(N.D.N.Y. No. 05-CV-00408) )  
*County of Rensselaer v. Abbott Labs., et al.* )  
(N.D.N.Y. No. 05-CV-00422) )  
*County of Albany v. Abbott Labs., et al.* )  
(N.D.N.Y. No. 05-CV-00425) )

[Caption Continues on Next Page]

**NOTICE OF WITHDRAWAL OF SCHERING'S MOTION FOR PROTECTIVE ORDER**

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|---|---|
| <i>County of Warren v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00468)                            | ) |
| <i>County of Greene v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00474)                            | ) |
| <i>County of Saratoga v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00478)                            | ) |
| <i>County of Columbia v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00867)                            | ) |
| <i>Essex County v. Abbott Labs., et al.</i>           | ) |
| (N.D.N.Y. No. 05-CV-00878)                            | ) |
| <i>County of Chenango v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00354)                            | ) |
| <i>County of Broome v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00456)                            | ) |
| <i>County of Onondaga v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00088)                            | ) |
| <i>County of Tompkins v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00397)                            | ) |
| <i>County of Cayuga v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00423)                            | ) |
| <i>County of Madison v. Abbott Labs., et al.</i>      | ) |
| (N.D.N.Y. No. 05-CV-00714)                            | ) |
| <i>County of Cortland v. Abbott Labs., et al.</i>     | ) |
| (N.D.N.Y. No. 05-CV-00881)                            | ) |
| <i>County of Herkimer v. Abbott Labs. et al.</i>      | ) |
| (N.D.N.Y. No. 05-CV-00415)                            | ) |
| <i>County of Oneida v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00489)                            | ) |
| <i>County of Fulton v. Abbott Labs., et al.</i>       | ) |
| (N.D.N.Y. No. 05-CV-00519)                            | ) |
| <i>County of St. Lawrence v. Abbott Labs., et al.</i> | ) |
| (N.D.N.Y. No. 05-CV-00479)                            | ) |
| <i>County of Jefferson v. Abbott Labs., et al.</i>    | ) |
| (N.D.N.Y. No. 05-CV-00715)                            | ) |
| <i>County of Lewis v. Abbott Labs., et al.</i>        | ) |
| (N.D.N.Y. No. 05-CV-00839)                            | ) |
| <i>County of Chautauqua v. Abbott Labs., et al.</i>   | ) |
| (W.D.N.Y. No. 05-CV-06204)                            | ) |
| <i>County of Allegany v. Abbott Labs., et al.</i>     | ) |
| (W.D.N.Y. No. 05-CV-06231)                            | ) |
| <i>County of Cattaraugus v. Abbott Labs., et al.</i>  | ) |
| (W.D.N.Y. No. 05-CV-06242)                            | ) |
| <i>County of Genesee v. Abbott Labs., et al.</i>      | ) |
| (W.D.N.Y. No. 05-CV-06206)                            | ) |
| <i>County of Wayne v. Abbott Labs., et al.</i>        | ) |
| (W.D.N.Y. No. 05-CV-06138)                            | ) |

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| <i>County of Monroe v. Abbott Labs., et al.</i>  | ) |
| (W.D.N.Y. No. 05-CV-06148)                       | ) |
| <i>County of Yates v. Abbott Labs., et al.</i>   | ) |
| (W.D.N.Y. No. 05-CV-06172)                       | ) |
| <i>County of Niagara v. Abbott Labs., et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06296)                       | ) |
| <i>County of Seneca v. Abbott Labs., et al.</i>  | ) |
| (W.D.N.Y. No. 05-CV-06370)                       | ) |
| <i>County of Orleans v. Abbott Labs., et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06371)                       | ) |
| <i>County of Ontario v. Abbott Labs., et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06373)                       | ) |
| <i>County of Schuyler v. Abbott Labs, et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06387)                       | ) |
| <i>County of Steuben v. Abbott Labs., et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06223)                       | ) |
| <i>County of Chemung v. Abbott Labs., et al.</i> | ) |
| (W.D.N.Y. No. 05-CV-06744)                       | ) |
| AND  | ) |
| <i>County of Nassau v. Abbott Labs., et al.</i>  | ) |
| (E.D.N.Y. No. 04-CV-5126)                        | ) |
|  | ) |

PLEASE TAKE NOTICE that defendants Merck & Co., Inc. (formerly known as Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation (collectively, "Schering") respectfully notify the Court that they hereby withdraw, without prejudice to its later renewal, their Motion for Protective Order, filed March 12, 2010 [Dkt. No. 6964].

The motion is withdrawn because settlement discussions between defendants and plaintiffs in these actions may cause it to become moot. Defendants reserve their right to renew the motion should it become necessary to do so.

Respectfully submitted,

Merck & Co., Inc. (formerly known as Schering-Plough Corporation), Schering Corporation, and Warrick Pharmaceuticals Corporation

/s/ John P. Bueker

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John T. Montgomery (BBO #352220)

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ROPPES & GRAY LLP

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Dated: February 7, 2011

**CERTIFICATE OF SERVICE**

I hereby certify that on February 7, 2011, I caused a true and correct copy of the foregoing to be served on all counsel of record by electronic service pursuant to Case Management Order No. 2 entered by the Honorable Patti B. Saris in MDL 1456.

/s/ Russell Patrick Plato  
Russell Patrick Plato